PDC04-001
GENERAL DEVELOPMENT PLAN NOTES

The following notes are to be incorporated on the final General Development Plan upon City Council Approval. These notes shall reflect the modifications, if any, recommended by the Planning Commission and shall replace all other notes. These General Development notes presuppose the approval of GP03-04-04.

DEVELOPMENT LIMITATIONS

Up to 304 single-family attached and Multi-family attached dwelling units in the 14.09-net acre area designated on the General Development Plan as, "PDC04-001".

DEVELOPMENT STANDARDS

Zoning

A(PD) Planned Development Zoning District

General Plan

Medium High Density Residential (12-25 DU/AC)

Gross Acreage / Gross Density	Net Acreage / Net Density
17.38 acres / 17.5 DU/AC	14.09 / 21.6 DU/AC (up to 304 single-family attached and Multi-family attached dwelling units)

DEVELOPMENT STANDARDS

PROPOSED NO. OF UNITS	UP TO 304 UNITS
TOWNHOMES	106 UNITS
PODIUMS	198 UNITS
BUILDING HEIGHT (MAX. IN FEET)/MAX. NO. STORIES	45 / 3.5

PERIMETER SETBACKS: (MIN. IN FEET)

NORTH PROPERTY LINE (McKAY DR)	
BUILDING	20
PATIO/BALCONY	15
EAST PROPERTY LINE (LUNDY AVE)	
BUILDING	20
PATIO/BALCONY	12
SOUTH PROPERTY LINE	
BUILDING TO PROPOSED PUB. ST.	10
WEST PROPERTY LINE (COMMERCIAL)	
BUILDING TO PROPOSED PUB. ST.	10
WEST PROPERTY LINE (RINGWOOD AVE)	
BUILDING	24
PATIO/BALCONY	20

BUILDING SEPARATION; TOWNHOMES: (MIN. IN FEET)

LIVING UNIT TO LIVING UNIT (FRONT TO FRONT)	30
LIVING UNIT TO LIVING UNIT (SIDE TO SIDE)	20
LIVING UNIT TO LIVING UNIT (REAR TO REAR/GAR FRONT)	20
LIVING UNIT TO LIVING UNIT (SIDE TO FRONT)	25
YARD/PATIO TO YARD/PATIO	15

BUILDING SEPARATION; PODIUMS: (MIN. IN FEET)

LIVING UNIT TO LIVING UNIT (FRONT TO FRONT)	25
LIVING UNIT TO LIVING UNIT (SIDE TO SIDE)	10
LIVING UNIT TO LIVING UNIT (FRONT TO SIDE*)	25
YARD/PATIO TO YARD/PATIO	10

ANY OF THESE BUILDING SEPARATIONS MAY BE REDUCED TO 15' FOR VERY MINOR PORTIONS OF BUILDINGS PROVIDED THAT PROJECT SEPARATIONS, IN GENERAL, SUBSTANTIALLY EXCEED THE LISTED MINIMUMS.

* MAY BE REDUCED TO 10' FOR A LANDSCAPE WALKWAY SERVING AS A ROUTE FROM A PARKING AREA TO A BUILDING OR UNIT ENTRANCE

INTERIOR USE SEPARATION: (MIN. IN FEET)

BUILDING FACE TO PARKING AREAS/PVT. DRIVES	5
BALCONY, PATIO OR PORCH TO PARKING AREAS/PVT. DRIVES	5

MINOR ARCHITECTURAL PROJECTIONS, SUCH AS CHIMNEYS AND BAY WINDOWS, MAY PROJECT INTO ANY SETBACK AREA OR BUILDING SEPARATION BY NO MORE THAN TWO FEET FOR A HORIZONTAL DISTANCE NOT TO EXCEED 10 FEET IN LENGTH, NOR MORE THAN 20 PERCENT OF THE BUILDING ELEVATION LENGTH.

OPEN SPACE:
REQUIRED:

TOWNHOMES:
60 SQUARE FEET OF PRIVATE OPEN SPACE PER UNIT.
PLUS 200 SQUARE FEET OF COMMON USEABLE COMMON SPACE PER UNIT.
(60 + 200) x 106 UNITS 27,560 SQ FT

PODIUMS:
60 SQUARE FEET OF PRIVATE OPEN SPACE PER UNIT.
PLUS 100 SQUARE FEET OF COMMON USEABLE COMMON SPACE PER UNIT.
(60 + 100) x 198 UNITS 31,680 SQ FT

TOTAL REQUIRED: 59,240 SQ FT

PROVIDED (MIN.):
TOWNHOMES:

PLAN 1 - 2 BR (179.67 SF x 21 UNITS)	3,773.07 SQ FT
PLAN 2 - 3 BR (181.67 SF x 26 UNITS)	4,723.42 SQ FT
PLAN 3 - 3 BR (204.00 SF x 28 UNITS)	5,712.00 SQ FT
PLAN 4 - 4 BR (175.00 SF x 31 UNITS)	5,425.00 SQ FT
TOTAL CONDOMINIUMS:	19,633.49 SQ FT

PODIUMS:

CANNES - 1 BR (125.58 SF x 36 UNITS)	4,520.88 SQ FT
VALBONNE - 2 BR (115.00 SF x 54 UNITS)	6,210.00 SQ FT
CHAMBRAY- 2 BR (232.87 SF x 54 UNITS)	12,574.98 SQ FT
LOIRE - 1 BR (91.75 SF x 18 UNITS)	1,651.50 SQ FT
STRASBORG - 1 BR (148.89 SF x 18 UNITS)	2,680.02 SQ FT
TOTAL PODIUMS:	29,116.62 SQ FT

REC AREA: 30,421.42 SQ FT
PUBLIC PARK: 54,731.51 SQ FT

TOTAL OPEN SPACE PROVIDED: 133,903.04 SQ FT

Parking Requirement

REQUIRED (PER RDGs):

Town houses:
2 BR 2.5 STALLS
3 BR 2.6 STALLS
4 BR 2.75 STALLS

Podium Units

1BR 1.5 STALLS
2 BR 1.8 STALLS
3 BR 2.0 STALLS

Bicycle Parking per City of San Jose SJMC 20.90.300 requirements.

(REQUIRED PRIVATE OPEN SPACE PER UNIT MAY BE REDUCED BY AN AREA EQUIVALENT TO THE AMOUNT OF COMMON OPEN SPACE IN EXCESS OF THE REQUIRED SQUARE FOOTAGE FOR BOTH TOWNHOME AND PODIUM OPEN SPACE MINIMUMS).

NOTE: ALL DEVELOPMENT STANDARDS ARE SUBJECT TO MODIFICATION PENDING APPROVAL OF DIRECTOR OF PLANNING.

THE ARCHITECTURAL DESIGN OF THE HOUSES SHALL CONFORM TO THE STANDARDS OF THE RESIDENTIAL DESIGN GUIDELINES.

BUILDING SEPARATIONS PER THE RESIDENTIAL DESIGN GUIDELEINES TO THE SATISFACTION OF THE DIRECTOR OD PLANNING.

MINOR ARCHITECTURAL PROJECTIONS, SUCH AS CHIMNEYS AND BAY WINDOWS, MAY PROJECT INTO ANY SETBACK AREA OR BUILDING SEPARATION BY NO MORE THAN TWO FEET FOR A HORIZONTAL DISTANCE NOT TO EXCEED 10 FEET IN LENGTH, NOR MORE THAN 20 PERCENT OF THE BUILDING ELEVATION LENGTH, UNLESS OTHERWISE AUTHORIZED BY THE DIRECTOR OF PLANNING.

INFRASTRUCTURE IMPROVEMENTS

Project Conditions:

Public Works Clearance for Building Permit(s): Prior to the issuance of Building permits, the applicant will be required to have satisfied all of the following Public Works conditions. The applicant is strongly advised to apply for any necessary Public Works permits prior to applying for Building permits.

Public Works Approval of Parcel Map or Tract Map: Prior to the approval of the tract or parcel map by the Director of Public Works, the applicant will be required to have satisfied all of the following Public Works conditions.

1. **Public Works Development Review Fee:** An additional Public Works Review Fee is due. Based on established complexity criteria, the project has been rated medium complexity. Prior to the project being cleared for the hearing and approval process, a sum of **$2800** shall be paid to the Department of Public Works (Room 308).

2. **Construction Agreement**: The public improvements conditioned as part of this permit require the execution of a Construction Agreement that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This agreement includes privately engineered plans, bonds, insurance, a completion deposit, and engineering and inspection fees.

3. **Transportation**: This project is located within the North San Jose Deficiency Plan area and must participate in the payment of the North San Jose Deficiency Plan fee.

4. **Grading/Geology:**
    a) A grading permit is required prior to the issuance of a Public Works Clearance.
    b) If the project proposes to haul more than 10,000 cubic yards of cut/fill to or from the project site, a haul route permit is required. Prior to issuance of a grading permit, contact the Department of Transportation at (408) 277-4304 for more information concerning the requirements for obtaining this permit.
    c) Because this project involves a land disturbance of one or more acres, the applicant is required to submit a Notice of Intent to the State Water Resources Control Board and to prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with construction activity. Copies of these documents must be submitted to the City Project Engineer prior to issuance of a grading permit.
    d) The Project site is within the State of California Seismic Hazard Zone. A soil investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The investigation should be consistent with the guidelines published by the State of California (CDMG Special Publication 117) and the Southern California Earthquake Center ("SCEC" report). A recommended depth of 50 feet should be explored and evaluated in the investigation.

5. **Storm Water Runoff Pollution Control Measures:** This project must comply with the City's Post-Construction Urban Runoff Management Policy (Policy) which requires implementation of Best Management Practices (BMPs) that include site design measures, source controls, and storm water treatment controls to minimize storm water pollutant discharges.

6. **Storm Water Peak Flow Control Measures:** This project may also be required to comply with the requirements of the watershed-wide Hydromodification Management Plan (HMP) if an HMP is approved by the City Council and Regional Board before this project's Planning Permit application is deemed complete by the Planning Division. Plans should show how the project would manage increases in runoff peak flow and volume, and/or how the project will prevent any increase in the potential for erosion of creek beds and banks or other adverse impacts to beneficial uses that may be attributable to changes in the amount and timing of runoff. Further information concerning compliance with the HMP will be provided once the City Council and Regional Board have approved an HMP.

7. **Sewage Fees:** In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable.

8. **Undergrounding**:
    a) The In Lieu Undergrounding Fee shall be paid to the City for all frontage adjacent to Ringwood Avenue prior to issuance of a Public Works clearance. One hundred percent of the base fee in place at the time of payment will be due. (Currently, the base fee is $224 per linear foot of frontage.)
    b) The Director of Public Works may, at her discretion, allow the developer to perform the actual undergrounding of all off-site utility facilities fronting the project adjacent to

Ringwood Avenue. Developer shall submit copies of executed utility agreements to Public Works prior to the issuance of a Public Works Clearance.

9. **Street Improvements**:
    a) Applicant shall be responsible to remove and replace curb, gutter, and sidewalk damaged during construction of the proposed project.
    b) A 10' right-of-way dedication is required along McKay Drive east of Ringwood Avenue.
    c) Construct attached 10' sidewalk along the McKay Drive project frontage east of Ringwood Avenue.
    d) Construct attached 10' sidewalk along the Ringwood Avenue project frontage.
    e) Remove and replace broken or uplifted curb, gutter, and sidewalk along project frontage.
    f) Signal modification at the intersection of Ringwood Avenue and McKay Drive will be required.
    g) Close unused driveway cut(s).
    h) Proposed driveway width to be 26' maximum.
    i) Dedication and improvement of the public streets shall be to the satisfaction of the Director of Public Works.
    j) Repair, overlay, or reconstruction of asphalt pavement may be required. The existing pavement will be evaluated with the street improvement plans and any necessary pavement restoration will be included as part of the final street improvement plans.

10. **Complexity Surcharge (In-Fill)**: This project has been identified as an in-fill project. Based on established criteria, the public improvements associated with this project have been rated medium complexity. An additional surcharge of 25% will be added to the Engineering & Inspection (E&I) fee collected at the street improvement stage.

11. **Electrical**: Install electrolier(s) on project frontage to the satisfaction of the Director of Public Works.

12. **Landscape**:
    a) Install street trees within the public right-of-way along the entire street frontage per City standards.
    b) The locations of the street trees will be determined at the street improvement stage. Street trees shown on this permit are conceptual only.
    c) Contact the City Arborist at (408) 277-2756 for the designated street tree.

13. **Private Streets**:
    a) Per Common Interest Development (CID) Ordinance, all common infrastructure improvements shall be designed and constructed in accordance with the current CID standards.

The plan set includes details of private infrastructure improvements. The details are shown for information only; final design shall require the approval of the Director of Public Works.

WATER POLLUTION CONTROL PLAN: PURSUANT TO CHAPTER 15.12 OF THE SAN JOSE MUNICIPAL CODE, NO VESTED RIGHT TO A BUILDING PERMIT SHALL ACCRUE AS A RESULT OF THE GRADING OF ANY LAND DEVELOPMENT APPROVALS AND APPLICATIONS WHEN AND IF THE CITY MANAGER MAKES A DETERMINATION THAT THE CUMULATIVE SEWAGE TREATMENT DEMAND ON THE SAN JOSE-SANTA CLARA WATER POLLUTION CONTROL PLANT REPRESENTED BY APPROVED LAND USES IN THE AREA SERVED BY SAID PLANT WILL CAUSE THE TOTAL SEWAGE TREATMENT DEMAND TO MEET OR EXCEED THE CAPACITY OF THE SAN JOSE-SANTA CLARA WATER POLLUTION CONTROL PLANT TO TREAT SUCH SEWAGE ADEQUATELY AND WITHIN THE DISCHARGE STANDARDS IMPOSED ON THE CITY BY THE STATE OF CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD FOR THE SAN FRANCISCO BAY REGION. SUBSTANTIVE CONDITIONS DESIGNED TO DECREASE SANITARY SEWAGE ASSOCIATED WITH ANY LAND USE APPROVAL MAY BE IMPOSED BY THE APPROVING AUTHORITY.

Cultural Resources. 1) Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.94 of the Public Resources Code of the State of California in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance. 2) Should evidence of prehistoric cultural resources be discovered during construction, work in the immediate area of the find shall be stopped to allow adequate time for evaluation and mitigation, and a qualified professional archaeologist called in to make an evaluation; the material shall be evaluated; and if significant, a mitigation program including collection and analysis of the materials prior to the resumption of grading, preparation of a report and curation of the materials at a recognized storage facility shall be developed and implemented under the direction of the Director of Planning.

Hydrology and Water Quality. 1) The project will comply with the City of San Jose grading ordinance, including erosion control during site preparation and with the City of San Jose zoning ordinance requirement for keeping adjacent streets free of dirt and mud during construction. The following specific measures will be implemented to prevent storm water pollution and minimize potential sedimentation during construction: 1) restrict grading to the dry season or meet City requirements for grading during the rainy season, 2) use Best Management Practices to retain sediment on the project site, install burlap bags filled with drain roc around all storm drains to route sediment and other debris away from drains, 3) providing temporary cover of disturbed surfaces to help control erosion during construction. 4) provide permanent cover to stabilize the disturbed surfaces after construction has been completed, 5) the projects will comply with the City of San Jose NPDES Permit requirements, the City's ordinances and policies related to storm water management, the State Water Resources Control Board General Permit for Discharges of Storm Water associated with construction activity, and other applicable local, state and federal requirements.

ALL REQUIRED ENVIRONMENTAL MITIGATION MEASURES FROM THE ENVIRONMENTAL IMPACT REPORT FOR THE PROJECT SHALL BE ADDED TO THIS LIST PRIOR TO APPROVAL BY THE CITY COUNCIL

ENVIRONMENTAL MITIGATION

LAND USE

Specific Development Project Mitigation Measures

The following mitigation measure would reduce or avoid impacts to sensitive land uses during construction:

? The applicant would implement a Construction Management Plan approved by the City to minimize impacts on the surrounding sensitive land uses, particularly the residential uses, to the fullest extent possible. The Construction Management Plan would include the following measures to minimize the impacts of construction upon adjacent land uses:

  - Measures to control dust, noise and water pollution result from construction activities.
  - Measures to keep all streets and public ways clean of debris, dirt, dust and other undesirable outcomes of construction (See *Section II. G. Air Quality*).
  - Measures to control noise by limiting hours of operation of construction activities, avoiding more sensitive early morning and evening hours, and scheduling equipment selection (see *Section II. H. Noise* of this EIR).

GEOLOGY AND SOILS

Specific Development Project Mitigation Measures

As part of the City's evaluation of project design, the following mitigation measures would be incorporated in the project:

? A detailed, design-level geotechnical investigation for the project will be completed by the applicant prior to Public Works clearance and issuance of building permits to address the potential geologic hazards on the site. The geotechnical investigation for individual buildings will be completed and submitted to the City Geologist prior to the issuance of building permits. This investigation will identify and describe the specific engineering practices to be used to reduce or avoid potential geologic hazards on the site. Such measures could include some or all of the following:

  - o Excavation and removal or recompaction of liquefiable soils
  - o Deep foundations such as piles and piers
  - o Reinforce shallow foundations such as grade beams, combined footings, reinforced or post-tensioned slabs and rigid raft foundations.
  - o Other types of ground improvements such as permeation grouting, columnar jet grouting, deep mixing, gravel drains, surcharge pre-loading, structural fills, and dewatering.
  - o Design of the proposed structures to withstand predicted ground softening and/or predicted vertical and lateral ground displacements.

HYDROLOGY AND WATER QUALITY

Specific Development Project Mitigation Measures

NPDES Permits

? Required NPDES permits will include measures to control pollutants discharged to the storm water system. Future activities that require a permit will need to be evaluated for appropriate "best management practices" including, but not limited to, the following:

  - o storm water retention or detention structures;
  - o the use of oil/water separators;
  - o minimization of impervious surfaces;
  - o onsite parking lots/street sweeping;
  - o routine storm drain cleaning; and
  - o coverage of dumpsters and materials handling areas.

Avoidance Measures Proposed
By the Specific Development Project

Mitigation: The following mitigation measures will be included in the project to conform to the current non-point source programs and to avoid or reduce hydrologic impacts to a less than significant level:

a) Proposed development will comply with the NPDES permit issued to the City of San José and other co-permittees of the SCVURPPP, and will include measures to control pollutants discharged to the stormwater system. Future activities that require a permit from the City of San José will need to be evaluated for appropriate "best management practices" including, but not limited to the following:

- ✍ stormwater retention or detention structures;
- ✍ use of landscaped-based stormwater treatment measures, such as biofilters and vegetated swales to manage runoff from the site.
- ✍ Minimization of impervious surfaces and increased use of permeable pavement;
- ✍ if inlet filters are used, a maintenance program to maintain the functional integrity of the systems;
- ✍ damp sweeping of streets and on site parking lots;
- ✍ routine storm drain cleaning; and
- ✍ covering of dumpsters and materials handling areas

b) Prior to commencement of any grading, clearing, or excavation, the project applicant would comply with the City of San José's Municipal Code and the SWRCB NPDES General Construction Activities Permit as follows:

- ✍ The applicant shall develop, implement, and maintain a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP must specifically address Best Management Practices (BMPs) that will be included in the project to the maximum extent practicable, for both the construction and post construction periods. The SWPPP would include erosion and sediment control measures, waste disposal controls, post construction sediment, maintenance responsibilities, and non-stormwater management controls. The applicant shall maintain a copy of the most current SWPPP on site and shall provide a copy to any City representative or inspector on demand.
- ✍ The applicant shall file a Notice of Intent (NOI) to be covered by the NPDES General Permit for Construction Activity with the State Water Resources Control Board (SWRCB) 30 days prior to any construction on the site.

c) In addition, the SWPPP must include a description of erosion control practices, which may include BMPs as specified in the California Storm Water Best Management Practice Handbook for reducing impacts on the City's storm drainage system from construction activities.

d) The project shall conform to the City's Grading Ordinance during construction. Prior to issuance of a grading permit, the applicant shall submit copies of the NOI and Erosion Control Plan (if required) to the City Project Engineer, Department of Public Works.

? Prior to construction of the project, the City of San José would require that the applicant(s) submit a Stormwater Pollution Prevention Plan (SWPPP) and a Notice of Intent (NOI) to the State of California Water Resource Quality Control Board to control the discharge of storm water pollutants including sediments associated with construction activities. Along with these documents, the applicant may also be required to prepare an Erosion Control Plan. The Erosion Control Plan may include Best Management Practices as specified in the California Storm Water Best Management Practice Handbook for reducing impacts on the City's storm drainage system from construction activities. The SWPPP shall include control measures during the construction period for:

- o soil stabilization practices
- o sediment control practices
- o sediment tracking control practices
- o wind erosion control practices and
- o non-storm water management and waste management and disposal control practices.

? Prior to issuance of a grading permit, the applicant will be required to submit copies of the NOI and Erosion Control Plan (if required) to the City Project Engineer, Department of Public

Works. The applicant will also be required to maintain a copy of the most current SWPPP on-site and provide a copy to any City representative or inspector on demand.

? The project would also comply with the City of San José Grading Ordinance, including erosion- and dust-control during site preparation, and with the City of San José Zoning Ordinance requirement for keeping adjacent streets free of dirt and mud during construction.

? The project would also include provision for post-construction structural controls in the project design where feasible, and would include Best Management Practices (BMP) for reducing contamination in storm water runoff as permanent features of the project. The project currently proposes to include inlet filters/separators or similar controls in stormwater catch basins as well as bioswales throughout the site. The downspouts at the proposed residential units will not be connected directly into storm drains, rather these downspouts will drain to bioswales. Other BMPs and design features could include, for example: regular sweeping of parking lots and driveways; use of erosion control devices such as silt fences; biofilters; and stenciling on-site catch basins to discourage illegal dumping.

? The project would comply with Provision C.3 of NPDES Permit Number CAS0299718, which provides enhanced performance standards for the management of storm water for new development. (Refer to Section *I. F. Consistency with Adopted Plans and Policies*, of this EIR, for a description of these requirements.)

? The applicant, their arborists and landscape architects, will work with the City and the SCVURPPP to select pest resistant plants to minimize pesticide use, as appropriate.

The following avoidance measures would be incorporated into the project to ensure future impacts to the utility systems would be reduced to a less than significant level:

? The project will maintain existing runoff rates after construction, to the extent feasible. The project will also provide drainage facilities and mitigation measures to accommodate the increased runoff.

? Future development plans would be reviewed for opportunities to implement water conservation measures, such as the following:

  o The project irrigation system would be designed and constructed to receive recycled water when this water becomes available to the site area. The design and construction of the irrigation system on the site must conform to the South Bay Water Recycling program rules and regulations and must be submitted to and approved by South Bay Water Recycling.

  o Future residential developments could include space for common-area laundry in favor of in-unit laundry space. A survey conducted by the Multi-housing Laundry Association (MLA) found that coin-operated washing machines in common laundry rooms used an average of 8,000 fewer gallons of water per unit/per year than washing machines in individual units.

Future development could install energy-and water-efficient washing machines in laundry rooms. Tumble-action washing machines produce significant energy, water and detergent cost savings. Adding automatic faucet shut-off systems is also recommended.

BIOLOGICAL RESOURCES

Specific development mitigation measures described below will reduce potential impacts associated with the loss of ordinance-sized trees and nesting raptors to a less than significant level.

Specific Development Project Mitigation Measures

Nesting Raptors

? In conformance with federal and state regulations regarding protection of raptors, the following California Department of Fish and Game protocols would be completed prior to any development to ensure that development does not result in the disturbance of nesting raptors.

  o Preconstruction surveys will be conducted no more than 30 days prior to the start of site grading. If nesting raptors are located on or immediately adjacent to the site, a construction-free buffer zone (typically 250 feet) around the active nest will be established for the duration of breeding until young birds have fledged.

Tree Removal

? The project would conform to the City of San José's Tree Ordinance. Prior to specific project development approvals (i.e., PD Permits), tree surveys will be required and trees will be retained where feasible. Loss of ordinance sized trees would be mitigated by conformance with the City of San José Landscaping Guidelines. Ordinance sized trees shall not be removed unless a Tree Removal Permit has been approved. Non-orchard trees to be removed as part of the project shall be replaced at the following ratios:

  o Ordinance sized trees to be removed would be replaced at a minimum ratio of 4:1 (4 replacement:1 removed), generally with trees in 24-inch box size, or larger, containers.

  o Trees between 12-18 inches in diameter to be removed as part of the project would be replaced at a ratio of 2:1, generally with trees in 24-inch box size, or larger, containers.

  o Trees less than 12 inches in diameter to be removed as part of the project would be replaced at a ratio of 1:1, generally with trees in 15-gallon containers.

? The species and exact number of trees to be planted on the site will be determined in consultation with the City Arborist and the Department of Planning, Building and Code Enforcement. In the event the developed portion of the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures will be implemented at the PD Permit stage:

o An alternative site(s) will be identified for additional tree planting. Alternative sites may include local parks or schools, or installation of trees on adjacent properties for screening purposes, to the satisfaction of the Director of the Department of Planning, Building and Code Enforcement.

o A donation of $300 per mitigation tree to *San José Beautiful* or *Our City Forest* for in-lieu off-site tree planting in the community. These funds will be used for tree planting and maintenance of planted trees for approximately three years. A donation receipt for off-site tree planting will be provided to the Director of Planning, Building and Code Enforcement prior to issuance of a grading permit.

HAZARDS AND HAZARDOUS MATERIALS

Specific Development Project Mitigation and Avoidance Measures

Agricultural Use

Development on the project site will be subject to the following mitigation measures:

? Construction earthwork activities in areas where contaminated soil or groundwater exceed ESLs or PRGs shall be conducted by a hazardous materials licensed contractor with properly trained employees. Employees conducting earthwork activities at the site will have completed a 40-hour training course, including respirator and personal protective equipment training. Prior to initiation of the remedial soil mixing and capping activities and per Cal/OSHA requirements (California Code of Regulations, Title 8), each contractor working at the site will prepare a health and safety plan (HSP) that addresses the safety and health hazards of each phase of site operations and includes the requirements and procedures for employee protection. The information contained in Appendix C of this report shall be provided to site construction workers for their health and safety planning purposes.

? The project proposes to excavate and mix the soils on the western portion of the site in order to reduce the concentrations of residual DDT, Dieldrin and Endosulfan below the hazardous waste threshold of 1 ppm. In conjunction with excavation and mixing of on-site soils, the soils on the western portion of the site will also be capped with non-contaminated soil to the extent these areas are not covered by proposed buildings, roadways or walkways. Cleanup and remediation of the site will be required to meet all Federal state and local regulations. Cleanup and remediation of arsenic, DDT, Dieldrin and Endosulfan will be completed in accordance with all overseeing regulatory agency requirement (e.g. San Francisco RWQCB and/or City of San José Environmental Services Department) requirements.

? A grading permit will be required from the City of San José prior to excavation and mixing of the on-site soils. Excavation and mixing of the soils on the western portion of the site shall be performed by either a State-licensed professional engineer and/or registered geologist maintaining a Hazardous Substances Removal and Remedial Actions Certificate with the State. The following measures are included to reduce potential impacts during mixing of the soils on the site:

  - The site will be fenced prior to initiation of earthwork activities. Signs instructing visitors to check in at the project support area will be posted at all entrances to the site. Proposition 65 signage will also be posted in the project support area.

  - Site control is intended to control the potential spread of contamination from the site. Prior to field activities, a three-zoned approach should be implemented where possible consisting of a work zone, a decontamination zone, and a support/staging zone. These zones should be established for the site so that personnel are properly protected against chemical and non-chemical hazards present on-site, and that hazardous work activities and potentially hazardous materials are confined to appropriate areas.

  - The contractor will provide water trucks at all times during earthwork activities for dust control. Soil must be sufficiently moisture-conditioned to minimize dust emissions during earthwork activities. If dust is observed, the area is not wet enough, and the equipment operators must wait for additional moisture conditioning.

  - Perimeter dust monitoring will be performed during each day of soil mixing activities to document the effectiveness of dust control measures and to evaluate the potential off-site migration of dust and pesticides. The monitoring will be performed by the field engineer at one upwind and two downwind locations along the perimeter of the site. The locations will be determined each day in the field based on the prevailing wind direction. The

difference between the daily average upwind dust concentration and the daily average downwind concentrations will be compared to the ambient air quality standard of 50 micrograms per cubic meter (24-hour average). If this standard is exceeded, increased dust control measures will be implemented. Perimeter dust monitoring procedures will be described in detail in the HSP.

? Compliance documentation of confirmation sampling shall be submitted to the City of San José Environmental Services Department for review and approval of these actions prior to or concurrent with redevelopment activities. Any soil with detected concentrations of pesticides remaining on the site would be capped or removed and disposed off-site.

? Excavated soils will be characterized prior to off-site disposal or reuse on-site. Appropriate soil characterization, storage, transportation, and disposal procedures shall be followed. Contaminated soils shall be disposed of at a licensed facility.

? Any remaining storage tanks on the site will be properly closed and removed according to the City of San José Fire Department standards prior to development.

AIR QUALITY

Specific Development Project Mitigation Measures

The following provisions to control dust and exhaust emissions shall be followed during all site excavation, grading and construction activities:

? All construction vehicles should be properly maintained and equipped with exhaust mufflers that meet State standards.

? Newly disturbed soil surfaces shall be watered down regularly by a water truck(s) or by other approved method maintained on site during all grading operations. Construction grading activity shall be discontinued in wind conditions that in the opinion of the Public Works Construction Inspector cause excessive neighborhood dust problems. Wash down of dirt and debris into storm drain systems shall not be allowed.

? Construction activities shall be scheduled so that paving and foundation placement begin immediately upon completion of grading operation.

? All aggregate materials transported to and from the site shall be covered in accordance with Section 23114 of the California Vehicle Code during transit to and from the site.

? The BAAQMD has prepared a list of feasible construction dust control measures that can reduce construction impacts to a level of less than significant. The following construction practices required by the City of San José meet or exceed the BAAQMD feasible construction dust control measures and will be implemented during all phases of construction on the project site:

- Use dust-proof chutes for loading construction debris onto trucks.
- Water to control dust generation during demolition of structures and break-up of pavement.
- Cover all trucks hauling demolition debris from the site.
- Water all active construction areas at least twice daily.

- Water or cover stockpiles of debris, soil, sand or other materials that can be blown by the wind.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- Sweep daily (preferably with water sweepers) all paved access road, parking areas and staging areas at construction site.
- Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.
- Hydroseed or apply non-toxic soil stabilizers to inactive construction areas.
- Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
- Limit traffic speed on unpaved roads to 15 mph.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replant vegetation in disturbed areas as quickly as possible.

NOISE

State Law

All new multi-family residential development will be subject to existing laws, including the following:

? Title 24: Multi-family housing proposed on any site is subject to the requirements of Title 24, Part 2, of the State Building Code. Since noise levels exceed 60 dB L_{dn} on the site, an analysis detailing the treatments incorporated into the building plans shall be prepared and submitted to the City Building Department prior to issuance of a building permit. The report shall demonstrate that the design would achieve an interior L_{dn} of 45 dBA or less in all habitable residential areas. Typically, where the exterior noise levels are between 60-70 dBA L_{dn}, treatments include forced-air mechanical ventilation or air conditioning as necessary to achieve a habitable interior environment with the windows closed. Sound-rated windows and sound-rated doors are not typically required.

Specific Development Project Mitigation Measures

Ambient Noise Levels at the Site

Implementation of the following mitigation measures will reduce impacts from ambient noise upon primary outdoor use areas to a less than significant level.

? Acoustically effective patio fences of up to six feet in height will be constructed for all units nearest to and facing Ringwood Avenue, McKay Drive and/or Lundy Avenue, as well as all unit nearest to and facing the existing industrial uses immediately north and south of the site. Other units shielded from these roadways or uses by proposed buildings, or oriented so the patios are behind the buildings, will not need these types of patio walls.

? To achieve an acoustically effective patio fence, it must be constructed air-tight (i.e., without cracks, gaps, or other openings), and must provide for long-term durability. The patio fences can be constructed to masonry, wood, concrete, stucco, or a combination thereof, and must have a minimum surface weight of 2.5 pounds per square foot. If wood fencing is used, homogeneous sheet materials are preferable to conventional wood fencing, as the latter has a tendency to warp and form openings with age. However, high-quality air-tight tongue-and-groove, board and batten or shiplap construction can be used.

Construction-Related Noise Impacts

Implementation of the following mitigation measures will reduce temporary noise impacts from project construction to nearby receptors to a less than significant level.

? Construct temporary noise barriers around the perimeter of project construction work within 250 feet of any residential units (i.e., on the western portion of the site near Ringwood Avenue).[1] To be effective, barriers shall be constructed airtight at the face and at the base of the barriers and shall have a minimum surface weight of three to four pounds per square foot.

? Limit all construction-related activities on weekdays between 7:00 AM and 7:00 PM, Monday through Friday, for any on-site or off-site work within 500 feet of any residential unit.

? Limit weekend construction hours, including staging of vehicles, equipment and construction materials, to Saturdays between the hours of 9:00 AM to 5:00 PM. Permitted work activities shall be conducted exclusively within the interior of enclosed building structures provided that such activities are inaudible to existing adjacent residential uses. Rules and regulations pertaining to all construction activities and limitations along with the name and telephone number of a contractor-appointed disturbance coordinator shall be posted in a prominent location at the entrance to the job site.

? Designate a "noise disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaints (e.g., beginning work too early, bad muffler, etc.) and institute reasonable measures warranted to correct the problem. A telephone number for the disturbance coordinator will be conspicuously posted at the construction site.

? Equip all internal combustion engine-driven equipment with mufflers which are in good condition and appropriate for the equipment.

? Utilize "quiet" models of air compressors and other stationary noise sources where technology exists.

[1] Richard Rodkin, Illingworth & Rodkin, written communications, February, 2004.

? Locate stationary noise-generating equipment as far as possible from existing nearby residences and other noise-sensitive land uses. Acoustically shield such equipment.

? Prohibit unnecessary idling of internal combustion engines.

CULTURAL RESOURCES

Specific Development Project Mitigation and Avoidance Measures

Implementation of the following proposed mitigation and avoidance measures would avoid or reduce cultural resources impacts to a less than significant level.

? In the event any significant cultural materials are encountered, all construction within a radius of 50 feet of the find shall be halted, the Director of Planning, Building and Code Enforcement shall be notified, and a qualified archaeologist shall examine the find and make appropriate recommendations regarding the significance of the find and the appropriate mitigation. Recommendations could include collection, recordation, and analysis of any significant cultural materials.

? In the event that human remains and/or cultural materials are found, all project related construction shall cease within a 50-foot radius of the find in order to proceed with the testing and mitigation measures required. Pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code of the State of California:

a. In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

b. A final report shall be submitted to the Director of Planning, Building and Code Enforcement. This report shall contain a description of the mitigation program that was implemented and its results, including a description of the monitoring and testing program, a list of the resources found, a summary of the resources analysis methodology and conclusion, and a description of the disposition/curation of the resources. The report shall verify completion of the mitigation program to the satisfaction of the Director of Planning, Building and Code Enforcement.

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ENERGY

Buildings

The proposed buildings would be designed with the following energy-efficient features:

? Energy efficient glazing: High performance glass will be used where appropriate to reduce solar cooling load.
? Energy efficient appliances: Energy-efficient appliances will be used in residences.
? Water-efficient plumbing fixtures: Water-efficient plumbing fixtures will be used in residences and public areas.

Transportation

In order to facilitate alternative modes of transportation, the project would:

? Provide physical improvements, such as internal pathways and sidewalk improvements that would act as incentives for pedestrian travel within the immediate area.

Energy Use at Buildout

The proposed residential development project would consume energy for lighting, heating and cooling of the proposed residences. As previously noted, energy efficient design features will be used at the site to reduce the consumption of energy, as required by Title 24 of the California Administrative Code. The project would also be designed in accordance with the principals of the City's Green Building Policy to the extent feasible.

The development of the site with the proposed land uses would have an indirect influence on the energy consumed in automobile travel. The amount of vehicular travel to and from the site would increase over the existing condition.